

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

HELDER PEIXOTO	)	
	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
TRANS UNION LLC, and	)	
HARRY GAMBILL	)	
	)	
Defendants.	)	

U.S. DISTRICT COURT  
DISTRICT OF MASS  
C.A. No: 1:04-cv-10437-JLT

FEB 24 P 3 34

**ANSWER OF DEFENDANT, TRANS UNION LLC**

Trans Union LLC ("Trans Union"), by and through its undersigned attorneys, Answers Plaintiff's Complaint as follows:

Trans Union denies violating the Fair Credit Reporting Act, 15 U.S.C. §1681 *et seq.* (the "FCRA") or other law.

**JURISDICTION**

Trans Union does not contest jurisdiction of this Court.

**PARTIES**

Denies the allegations as conclusions of law. Trans Union admits it is a "consumer reporting agency" as defined by the FCRA.

No responsive pleading required for allegations directed toward co-defendant Harry Gambill.

**ALLEGATIONS**

Trans Union denies failing to furnish consumer file disclosures in violation of §1681g, failing to follow reasonable procedures to assure consumer reports are furnished for permissible purposes in violation of §1681e(a), or otherwise violating the FCRA or other law with respect to

Plaintiff. Trans Union further denies Plaintiff's allegations as conclusions of law for which no responsive pleading is required.

No responsive pleading required for allegations directed toward co-defendant Harry Gambill.

WHEREFORE, Defendant Trans Union LLC demands judgment dismissing Plaintiff's complaint with prejudice, and awarding it such additional relief as the Court deems just and proper.

**FIRST AFFIRMATIVE DEFENSE**

The complaint fails to state a claim for which relief may be granted.

**SECOND AFFIRMATIVE DEFENSE**

Defendant TransUnion has, at all material times with respect to plaintiff, acted in good faith and complied fully with the FCRA and relevant state laws.

**THIRD AFFIRMATIVE DEFENSE**

Based upon the averments upon which Plaintiff's claim is made, defendant TransUnion is immune from suit under the FCRA.

**FOURTH AFFIRMATIVE DEFENSE**

Any harm suffered by Plaintiff was not caused by any act or omission of defendant Trans Union.

**FIFTH AFFIRMATIVE DEFENSE**

Any harm suffered by Plaintiff was caused by Plaintiff's own conduct or the conduct of third parties over which Trans Union has no control or authority.

**SIXTH AFFIRMATIVE DEFENSE**

With respect to Plaintiff, Trans Union's conduct and the alleged communications were entirely privileged and/or true.

**SEVENTH AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred by the doctrines of laches, unclean hands, waiver and estoppel.

**EIGHTH AFFIRMATIVE DEFENSE**

The claims contained in the complaint, which seek to recover punitive damages, violate the Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments to the Constitution of the United States of America.

**NINTH AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred by the applicable statutes of limitations

**TENTH AFFIRMATIVE DEFENSE**

The Complaint should be dismissed for insufficient service of process.

**ELEVENTH AFFIRMATIVE DEFENSE**

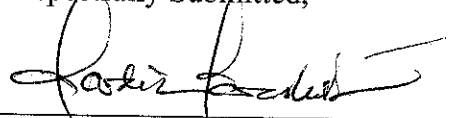
The Complaint should be dismissed for insufficient process.

**TWELFTH AFFIRMATIVE DEFENSE**

Trans Union reserves the right to raise additional defenses it learns through the course of discovery.

WHEREFORE, Defendant Trans Union LLC demands judgment dismissing Plaintiff's complaint with prejudice, and awarding it such additional relief as the Court deems just and proper.

Respectfully Submitted,



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DATED: March 24, 2004